

Oklahoma Statutes Citationized

Title 82. Waters and Water Rights

Chapter 17 - Regional Water Distribution District Act

Section 1272 - District Powers

Cite as: O.S. §. ____

Each district shall have power to:

1. Sue and be sued, complain and defend, in its corporate name;
2. Adopt a seal which may be altered at pleasure, and to use it, or a facsimile thereof, as required by law;
3. Acquire water rights, construct, erect, purchase, lease as lessee and in any manner acquire, own, hold, maintain, improve, operate, sell, dispose of, lease as lessor, exchange and mortgage plants, buildings, works, machinery, supplies, equipment, apparatus, facilities, property rights and transportation and distribution lines, facilities, equipment or systems necessary to transport, distribute, sell, furnish, treat, store and dispose of water or sewage. All plans for facilities must be submitted to and approved by the Oklahoma Water Resources Board and the **State Department of Health**. The disposal of any water outside the State of Oklahoma shall not be permitted without the consent of the Legislature;
4. Borrow money and otherwise contract indebtedness, issue or execute its obligations therefore, including, without limitation, bond anticipation notes and refunding bonds and secure the payment thereof by mortgage, pledge or deed of trust of all or any of its property, assets, franchises, rights, privileges, licenses, rights-of-way, easements, revenues or income, only upon the affirmative vote of at least three-fourths (3/4) of all the members of the board as constituted;
5. Have and exercise the right of eminent domain for the purpose of acquiring right-of-way and other properties necessary in the construction or operation of its property and business and in the manner now provided by the condemnation laws of this state for acquiring private property for public use. No district shall have the right to exercise the power of eminent domain for the purpose of acquiring water rights or mineral interests;
6. Accept gifts, loans, or grants of money, services, franchises, rights, privileges, licenses, rights-of-way, easements or other property, real or personal, or provisions for nonpayment as may be authorized or available to the district pursuant to federal, state or local regulations, or programs;
7. Make any and all contracts necessary or convenient for the exercise of the powers of the district on such terms and for such period of time as its Board of Directors shall determine;
8. Fix, regulate and collect rates, fees, rents or other charges for water and any other facilities, supplies, equipment or services furnished by the district. The rates shall be just, reasonable and nondiscriminatory. The value of water rights held by the district shall not be considered in the determination of rates;
9. Conduct its affairs within this state subject to the provisions of this act;
10. Conduct its business so that appropriated rights to water held by the district shall not be alienated or encumbered apart from the alienation or encumbrance of the facilities of the district;
11. Invest funds in the same manner as generally authorized for counties and municipalities and for the purpose of defraying interest expenses related to facility construction debt service;
12. Prepay principal payments when permitted without penalty and as appropriate to reduction of interest or expenses;
13. Conduct planning in accordance with the concepts and principles of any applicable, adopted state plans for current and future water and sewage needs, investigate the desirability of and necessity for additional sources and supplies of water, and make studies, surveys and estimates as may be necessary to determine the feasibility and cost of any water or sewage facilities;
14. Individually or jointly with other persons or public agencies acquire, own, hire, use, operate, lease as lessor or lessee, and dispose of personal property and real property and any interest therein, including projects existing, proposed or under construction, and make improvements thereon;
15. Determine the locations and character of, and all other matters in connection with, any and all projects or activities it is authorized to acquire, hold, establish, effectuate, operate or control;
16. Enter into contracts with persons or public agencies for the sale, purchase or provision of all or any part of the water facilities or sewage facilities, or any services or products derived therefrom, in accordance with this act; and contract with any person or public agency for the planning, development, construction, operation, sale or lease as lessor or lessee of any water facility or sewage facility or any part thereof;
17. Procure insurance against any losses in connection with its property, operations or assets in such amounts and from such sources as it deems desirable, or self-insure against such losses;
18. Enter onto any private or public lands after notice to and permission of the owner thereof for the purpose of making surveys, inspections or other activities related to its powers under this act;
19. Adopt regulations as it deems necessary, not inconsistent with state law or the powers of any existing public agency to adopt or enforce regulations, to protect its water supplies and facilities and sewage facilities;
20. Do and perform all acts and things, and to have and exercise any and all powers as may be necessary, convenient or appropriate to effectuate the purpose for which the district is organized, and exercise all other powers not inconsistent with the Articles of Association forming the district pursuant to the Interlocal Cooperation Act, the Constitution of the State of Oklahoma or the United States Constitution which may be reasonably necessary or appropriate or incidental to the exercise of any

of the powers enumerated in this act.

The district may perform any act authorized by this act through, or by means of, its officers, agents or employees or by contract with any person, including, without limitation, the employment of engineers, architects, attorneys, appraisers, financial advisers and such other consultants and employees as may be required in the judgment of the board of directors, and fix and pay their compensation from funds available to the district therefore. Nothing in this section shall authorize a district to take or disturb properties or facilities belonging to any public utility, public agency, individual citizen, business entity or common carrier, which properties or facilities are required for the proper and convenient operation of such public utility, public agency or common carrier, unless provision is made for the restoration, relocation or duplication of such properties or facilities elsewhere at the sole cost of the district.

Historical Data

Laws 1972, c. 249, § 7; Amended by Laws 1985, c. 353, § 4, emerg. eff. July 30, 1985.

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